

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

)
LINWOOD BRANT,)
vs. Plaintiff)
vs.) Civil Action No. 04-1584
WEXFORD HEALTH CARE SERVICE, et al.,) Judge Joy Flowers Conti
Defendants) Magistrate Judge Caiazza
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)

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on October 15, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 5, 2007, recommended that the Defendants' Amended Motion for Summary Judgment (Doc. 121) be denied, without prejudice.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of February, 2007

IT IS HEREBY ORDERED that the Defendants' Amended Motion for Summary Judgment (Doc. 121) is denied, without prejudice.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 131), dated January 5, 2007, is adopted as the opinion of the court.

/s/ Joy Flowers Conti

Joy Flowers Conti
U.S. District Court Judge

CC:

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